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E X H I B I T S

VALENTINE FOR IDENTIFICATION IN EVIDENCE.

Nos. 1	83	99
2	89	99
3		128

1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket 05-0055,
3 Southwest Central Emergency Telephone System Board
4 versus DuPage County Emergency Telephone System
5 Board.

6 Can the parties identify themselves for
7 the record beginning with staff.

8 MR. HARVEY: Appearing for the staff of the
9 Illinois Commerce Commission, Matthew L. Harvey and
10 Michael R. Borovik, 160 North LaSalle Street, Suite
11 C-800, Chicago, Illinois, 60601.

12 MS. HERTEL: Appearing today representing SBC
13 Illinois at this hearing, Nancy Hertel, H-e-r-t-e-l,
14 225 West Randolph, 25D, Chicago, Illinois, 60606.

15 MR. BOND: Appearing on behalf of the DuPage
16 County ETSB, Patrick Bond, B-o-n-d; Bond, Dickson &
17 Associates, 223 East Liberty Drive, Wheaton,
18 Illinois, 60187. Also present is Vidas Germonas,
19 V-i-d-a-s G-e-r-m-o-n-a-s, and joining us shortly
20 will be Nancy Hauptman, H-a-u-p-t-m-a-n.

21 MR. NEVILLE: Ronald F. Neville on behalf of
22 Southwest Central 911 System -- Emergency Telephone

1 System Board, 221 North LaSalle, Suite 2100,
2 Chicago, 60601.

3 JUDGE HILLIARD: Mr. Harvey, what's your
4 pleasure?

5 MR. HARVEY: Well, as per our discussion on
6 Friday of last week, your Honor, I have, at the
7 parties' request, prepared an application or a
8 verified application for a subpoena of Mr. Valentine
9 so that Mr. Valentine, whose full name is I believe
10 Bernard Eugene Valentine and who is the director of
11 911 public safety for SBC Global Services,
12 Incorporated, which is a subsidiary or affiliate of
13 the Illinois Bell Telephone Company, and I prepared
14 an application for subpoena by agreement of the
15 parties, and SBC had wished that Mr. Valentine to
16 appear under subpoena, and I would request I guess
17 the issuance of the subpoena for Mr. Valentine first
18 pursuant to the application that I prepared,
19 circulated to the parties, and will file on E-docket
20 shortly if I have not already done so.

21 JUDGE HILLIARD: Okay. I presume there's no
22 objection.

1 MR. NEVILLE: No objection from Southwest.

2 MR. BOND: No objection from DuPage ETSB.

3 JUDGE HILLIARD: I direct the Commission to

4 issue a subpoena effective whatever date --

5 MR. HARVEY: Nun pro tunc today.

6 JUDGE HILLIARD: -- nun pro tunc.

7 MR. HARVEY: And at that point Mr. Valentine's

8 appearing under subpoena. We should probably --

9 well, I guess we need --

10 MS. HERTEL: Swear him in.

11 MR. HARVEY: -- to swear him in.

12 JUDGE HILLIARD: Would you raise your right hand.

13 (Witness sworn.)

14 And you want to tender him for examination

15 by the other parties?

16 MR. HARVEY: We probably better have him describe

17 his responsibilities as director of 911 public

18 safety.

19 BERNARD VALENTINE,

20 called as a witness herein, having been first duly

21 sworn, was examined and testified as follows:

22

1 DIRECT EXAMINATION

2 BY

3 MR. MATTHEWS:

4 Q. So if you could briefly describe your
5 responsibilities and what you do in the course of
6 your job, Mr. Valentine.

7 A. Well, the title that you are referring to is
8 actually my previous title. As of December 2nd of
9 2005, I became regional vice president of 911 public
10 safety for SBC midwest.

11 In my capacity as vice president, I'm
12 responsible for provisioning and administration of
13 Enhanced 911 service, including wireless 911
14 service, for approximately 816 public safety
15 agencies spread across the 5 midwestern states for
16 which SBC provides local and long distance telephone
17 service. Those states would be Illinois, Wisconsin,
18 Michigan, Ohio, and Indiana.

19 I have a staff that's involved in the
20 administration of Enhanced 911 database and interact
21 with our third-party database services partner
22 intrado on a day-to-day basis.

1 I also have a staff of 911 operating
2 managers who facilitate the address of any technical
3 issues involving the Enhanced 911 network or 911
4 call processing.

5 Lastly, I do have a group of 911
6 solutions consultants who interact with public
7 safety agencies in terms of obtaining new customer
8 premises equipment.

9 Q. Congratulations on your promotion and new
10 duties and responsibilities.

11 And just so we are clear, the area over
12 which your group has the authority to deal with 911
13 services includes the SBC Illinois serving territory
14 here in Illinois --

15 A. Yes, it does,

16 Q. -- and so would include the areas relevant
17 to this dispute here?

18 A. Yes. It would be responsible for areas
19 served by both Southwest Central Emergency Telephone
20 System Board and Emergency Telephone System Board of
21 DuPage County.

22 Q. And you do have generally some knowledge of

1 the dispute here and of some of the underlying
2 circumstances?

3 A. Yes, I do.

4 MR. HARVEY: I can think of nothing further to
5 ask the witness and will tender him for such
6 cross-examination as there is unless counsel might
7 have --

8 MS. HERTEL: I have nothing further.

9 MR. HARVEY: -- something to add.

10 JUDGE HILLIARD: Mr. Neville.

11 MR. NEVILLE: Thank you.

12 CROSS EXAMINATION

13 BY

14 MR. NEVILLE:

15 Q. Good morning, Mr. Valentine.

16 A. Good morning.

17 Q. I represent Southwest Central 911 Emergency
18 Telephone System.

19 Could you just briefly tell me your
20 education?

21 A. I have a bachelor's degree in economics from
22 Aurora College. I graduated in 1976. I have

1 attended -- excuse me. I have attended numerous
2 technical and project management-related training
3 classes for both SBC, with AT&T, and with Illinois
4 Bell.

5 Q. How long have you worked for SBC?

6 A. I have worked for SBC just about 28 years.

7 Q. Okay. And for what period of time have you
8 been involved in the 911 safety area for SBC?

9 A. I've been involved with 911 public safety
10 for ten years.

11 Q. Prior to that, what did you do?

12 A. Prior to working in the 911 arena at SBC or
13 Ameritech's predecessor company, I was responsible
14 for the interactive voice response unit, design,
15 installation, and programming for affiliates of our
16 business services venture.

17 Q. You are aware of the term "Emergency
18 Telephone Service Numbers?"

19 A. Yes, I am.

20 Q. Could you tell what those are?

21 A. Emergency Service Telephone Numbers, or they
22 are more commonly referred to as Emergency Service

1 Numbers, or ESNs, are numbers that are associated
2 with a range of addresses or a community area that
3 is going to be served by the Enhanced 911 system.

4 Typically, we would assign ESNs to trunk
5 groups so that as 911 calls are received by our 911
6 selective router or 911 tandem, a determination is
7 made problematically within that switching equipment
8 as to where the 911 call will be routed.

9 The Emergency Service Numbers determine
10 which 911 Public Safety and Answering Point, which
11 is also called a PSAP, or P-S-A-P, will receive that
12 911 call.

13 Q. Okay. So is it fair to say the ESNs through
14 the system designates a PSAP that's going to receive
15 the call?

16 A. That is correct.

17 Q. Does it designate the fire, police, and
18 emergency medical services that are to be provided?

19 A. That is a typical association within the
20 Master Street Address Guide, yes.

21 Q. Does it designate a specific geographical
22 area?

1 A. Yes, it does.

2 Q. So now are you familiar with the ESN numbers

3 230, 344, and 345?

4 A. Those are wire line or land line ESNs

5 associated with the communities of Clarendon Hills

6 and, I believe, Willowbrook.

7 Q. And those would be -- the 230 would be

8 Clarendon Hills --

9 A. I believe so.

10 Q. -- and 344 and 345 would be Willowbrook?

11 A. I believe so.

12 Q. And would it be fair to say then that the

13 number encompass the ge- -- strike that question --

14 two encompass the geographic area of the Village of

15 Clarendon Hills --

16 A. Yes.

17 Q. -- and that the numbers 344 and 345

18 encompass the geographical area of Willowbrook?

19 A. The Village of Willowbrook, yes.

20 Q. Now who creates the ESN number?

21 A. That is a jointly developed project. The

22 911 coordinator or designated master street address

1 coordinator will work with the SBC 911 database
2 manager for the State of Illinois to establish the
3 boundaries that are covered by each emergency
4 service number or emergency service center.

5 Q. So once the ESN number is created, then the
6 next idea is to where it's to be contained; is that
7 correct?

8 A. That's correct.

9 Q. And are ESN numbers contained in the Master
10 Street Address Guide?

11 A. They're associated with them, yes.

12 Q. And DuPage Emergency Telephone System has a
13 Master Street Address Guide, does it not?

14 A. Yes.

15 Q. And Southwest Central 911 System Emergency
16 Telephone System Board also has a MSAG?

17 A. Yes, it does.

18 Q. To your knowledge, the numbers 230, 344, and
19 345 that you previously identified for us and to
20 whose MSAG prior to July of this year were those
21 numbers contained?

22 A. Those numbers were contained in the Master

1 Street Address Guide of Southwest Central and DuPage
2 center's MSAG.

3 Q. And do you know as you sit there when those
4 numbers were inserted into -- in the Southwest
5 Central -- you don't mind -- for the Southwest
6 Central Emergency Telephone System Board -- if I
7 refer to it as Southwest?

8 A. No. I'll understand what you mean.

9 Q. All right. So the question was do you know
10 when they were -- when numbers were inserted in the
11 Southwest MSAG?

12 A. The numbers would have been inserted in the
13 Southwest MSAG sometime in the late 90s. I don't
14 know the specific date although it's contained
15 within the documentation that was filed with the
16 Illinois Commerce Commission. It would have been
17 sometime in 1999 I believe.

18 Q. Would it have been in tune or in line with
19 certain agreements that were entered into between
20 Southwest and DuPage?

21 A. They were inserted into the Southwest MSAG
22 as a result of an intergovernmental agreement that

1 was agreed upon between the DuPage County ETSB and
2 Southwest Central ETSB for the handling of 911 land
3 line -- 911 calls for the community of Clarendon
4 Hills.

5 Q. And have you seen those documents?

6 A. I have indeed.

7 Q. Okay. Are you aware that originally there
8 was an agreement entered into between Southwest
9 Central 911 and DuPage just for Willowbrook --

10 A. Yes, I am.

11 Q. -- and then later on in 1993 the document
12 was amended and a new contract was entered into
13 which included both Willowbrook and Clarendon Hills?

14 A. Yes.

15 (Whereupon, Valentine
16 Exhibit No. 1 was marked
17 for identification by
18 counsel.)

19 Q. I'm going to tender to you what I have
20 caused to be marked Valentine Exhibit 1 and ask you
21 if you have ever seen that document?

22 A. Yes, I have.

1 Q. And do you identify that as a document
2 between Southwest Central and DuPage?

3 A. Yes.

4 Q. And did it involve both Clarendon Hills and
5 Willowbrook?

6 A. Yes, it does.

7 Q. And, if you could, could you see what the
8 date of the contract is I think on the last page?

9 A. Let's see. The last signature indicates
10 June 1st of 1993.

11 Q. Would that reflect your recollection as to
12 when --

13 A. Yes.

14 Q. -- when ESN numbers were inserted?

15 A. Yes, it would. In fact, it would have been
16 1993.

17 Q. Approximately 1993. And that would have
18 been 230, 344, and 345; is that correct?

19 A. Correct.

20 Q. Now once the -- strike that. When the
21 numbers were placed into the Southwest MSAG 230,
22 344, and 345, that would have been done as a

1 coordinated effort between DuPage County and SBC,
2 then would have been Illinois Bell?

3 A. That's correct.

4 Q. Now once an ESN is contained -- once ESN
5 numbers are contained or placed inside the MSAG, how
6 can they be taken out?

7 A. It is the responsibility of the Master
8 Street Address Guide coordinator or 911 coordinator
9 for the involved system to make changes.

10 Q. Now, to your knowledge, did Southwest
11 receive in dispatch -- directly receive in dispatch
12 all wire line 911 calls for the Village of Clarendon
13 Hills?

14 A. Yes, they did.

15 Q. And do they continue to do so?

16 A. It does not appear that they do at this
17 time.

18 Q. To your knowledge, they don't?

19 A. To my knowledge, I do not believe that they
20 directly receive them any more.

21 Q. To your knowledge, did Southwest Central
22 dispatch receive in dispatch wire line calls for the

1 Village of Willowbrook?

2 A. Yes.

3 Q. Now what's your understanding that they
4 don't still do that?

5 A. My understanding is that in July of 2005 the
6 ESNs were moved from the Master Street Address Guide
7 of Southwest Central dispatch to the Master Street
8 Address Guide of DuPage County.

9 Q. Okay. I'm getting to that point now. When
10 the -- how did it come to be that the ESNs 230, 344,
11 and 345 were transferred from Southwest Central's
12 911 MSAG to DuPage? How did that come about?

13 A. They received a request I believe -- it was
14 an E-mail request for all ESNs associated with
15 DuPage County ETSB 911 system. Our number one
16 database manager, Leslie Rosson Chatmon, provided a
17 list of those emergency service numbers, or ESNs. I
18 believe she provided those to Nancy Hauptman and
19 also I believe she provided them to Mr. Germonas as
20 well.

21 Q. Mr. Germonas seated to your left?

22 A. Yes.

1 Q. Ms. Hauptman is behind you?

2 A. Yes. There was a question as to whether
3 those ESNs actually belonged to DuPage County or
4 Southwest Central that was raised with the
5 database manager, and she was asked to move the
6 involved ESNs back into the DuPage County Master
7 Street Address Guide. Based on the fact that those
8 communities are within the boundaries of the DuPage
9 County ETSB, they had voted as part of a referendum
10 for the Enhanced 911 system and, as such, should be
11 served by the DuPage County 911 center.

12 Q. Do you know if Southwest Central dispatch
13 was contacted with regard to this?

14 A. My understanding is that Southwest Central
15 was contacted via E-mail in the July time frame and
16 the information was communicated to Mr. Shanley
17 (phonetic) who is seated to your left, by the 911
18 state database manager Mr. Rosson Chatmon.

19 Q. To your knowledge, was he notified after the
20 ESNs were moved?

21 A. My understanding is that he was notified
22 after the fact.

1 Q. So, to your knowledge, as you sit there,
2 Southwest Central never agreed to the transfer of
3 ESNs?

4 A. I can't say whether they agreed because in
5 the E-mail exchange between the state database
6 manager, Mr. Shanley, it appeared that agreement was
7 implied by what was written in the document.

8 Q. Let me ask you this.

9 A. I'm not party to any telephone
10 conversations.

11 Q. I understand that.

12 Q. You didn't directly talk to anybody from
13 Southwest yourself?

14 A. No.

15 Q. Now if I understand your testimony
16 correctly, Southwest should have been contacted if
17 the ESNs were to be transferred?

18 A. That's correct.

19 Q. If they were not contacted and did not give
20 their permission for the transfer, that would be
21 incorrect, would that not --

22 A. That is correct.

1 Q. -- because they should have been allowed to
2 voice their objection?

3 They should have been allowed to
4 participate in that function, should they not?

5 A. Yes.

6 (Whereupon, Valentine
7 Exhibit No. 2 was marked
8 for identification by
9 counsel.)

10 Q. I'm going to show you what I have caused to
11 be marked Valentine Exhibit 2 and I'll show this to
12 your counsel.

13 JUDGE HILLIARD: You don't have a copy of that?

14 MR. NEVILLE: I do.

15 JUDGE HILLIARD: Do you want it for yourself?
16 Have you got a copy that I could use?

17 MR. NEVILLE: I sure do. I have it here. I
18 apologize.

19 MR. HARVEY: Also, are these likely to be offered
20 into evidence?

21 MR. NEVILLE: Yes.

22 JUDGE HILLIARD: Then you ought to mark them.

1 MR. HARVEY: Then you ought to mark them.

2 MR. NEVILLE: I have a sticker on them. Did you

3 want to do it some other way?

4 JUDGE HILLIARD: I guess I need to do whatever

5 way the clerk's going to want it done or rather than

6 the court reporter's going to want it done. I would

7 think if you got a sticker, that's good enough.

8 What's the mark on this? Is this Southwest Exhibit

9 No. 1 or what does it say?

10 MR. NEVILLE: I'm sorry. It's Valentine No. 2.

11 JUDGE HILLIARD: Valentine No. 2?

12 MR. NEVILLE: That's how I caused it to be

13 marked.

14 JUDGE HILLIARD: Can I mark up this?

15 MR. NEVILLE: Certainly. That's a copy. I have

16 another sticker if you prefer.

17 JUDGE HILLIARD: That's all right.

18 MR. NEVILLE: Q. You have had a chance to look

19 at that, Mr. Valentine?

20 A. Yes.

21 Q. Could you tell me what that is?

22 A. This is an open letter to the State of

1 Illinois 911 system coordinator -- system manager
2 regarding authorization to make changes to the
3 master address guide ledger.

4 Q. And does it indicate that what you just --

5 JUDGE HILLIARD: Excuse me, Ron. What you handed
6 me is a letter from Ms. Hertel (sic).

7 MR. BOND: That's a cover sheet.

8 MR. NEVILLE: Sorry about that.

9 MR. HARVEY: Perhaps I could go make a copy.

10 JUDGE HILLIARD: Do you need a copy?

11 MR. NEVILLE: I had several copies here and they
12 seem to disappear.

13 MR. BOND: I have got extra copies.

14 MR. NEVILLE: Anyone else need a copy?

15 JUDGE HILLIARD: You found them.

16 MR. NEVILLE: Anyone else need a copy?

17 I just designated my organizational
18 skills.

19 MR. NEVILLE: Q. This document that you have,
20 Valentine Exhibit 2, confirms what you said before
21 that before MSAG can be reported -- moved from one
22 MSAG to another it has to be in coordination with

1 the MSAG coordinator.

2 A. Correct.

3 Q. If that wasn't done in this case, that
4 would be incorrect?

5 A. I'm sorry. I don't understand your
6 statement.

7 Q. Bad question.

8 If Southwest Central had not been
9 notified about the transfer of ESN 230, 344, and
10 345, that would have been an incorrect procedure --

11 A. That's correct.

12 Q. -- or they should have been notified?

13 A. They should have been notified.

14 Q. Would you agree, Mr. Valentine, that the
15 ETSB that receives and dispatches wire line calls
16 for a particular geographical area should have in
17 its MSAG the ESNs that designate those geographical
18 areas?

19 A. Yes.

20 Q. So if Southwest Central's 911 board was
21 still dispatching -- still receiving and dispatching
22 wire line 911 calls for Clarendon Hills and

1 Willowbrook, those ESN numbers 230, 344, and 345
2 should be in our MSAG, should they not?

3 A. Should be, yes.

4 Q. The only thing is that we're not doing it
5 now because the ESN numbers were transferred; is
6 that correct?

7 A. That is correct.

8 JUDGE HILLIARD: Would you read the last question
9 and answer.

10 (Question and answer
11 read by reporter.)

12 MR. NEVILLE: Q. When you said earlier during
13 your testimony that Southwest Central 911 was not
14 receiving or dispatching wire line calls for
15 Clarendon Hills and Willowbrook, you said that
16 because the ESN numbers 230, 344, and 345 had been
17 transferred from Southwest MSAG to DuPage MSAG; is
18 that correct?

19 A. Correct.

20 Q. If, in fact, Southwest continues to receive
21 and dispatch wire line calls for Clarendon Hills and
22 Willowbrook, those ESN numbers should be in

1 Southwest's MSAG; is that correct?

2 A. That's correct.

3 Q. The request to transfer the MSAG came from
4 DuPage?

5 A. That's correct.

6 Q. To your knowledge, those ESN numbers 230,
7 344, and 345 were in Southwest MSAG from
8 approximately 1993 up until July of 2005?

9 A. Until 2005.

10 Q. Is that correct?

11 Now you are also involved in wireless
12 telecom; is that correct?

13 A. That's correct.

14 Q. Can you tell me, based upon your education
15 and based upon your experience, if technology is
16 currently available to allow wireless 911 calls
17 emanating from Willowbrook -- emanating from
18 Willowbrook to be directly routed to Southwest
19 Central?

20 A. That is possible, yes.

21 Q. Is the technology in place?

22 A. The technology is in place to do that today.

1 Q. There is no -- there is no necessity for
2 wire line calls that emanate Willowbrook or
3 Clarendon Hills to be first routed to the DuPage
4 sheriff and then to Southwest for dispatching, is
5 there?

6 MS. HERTEL: Wire line or wireless?

7 MR. NEVILLE: Let me withdraw the question.

8 MR. NEVILLE: Q. There is no need for a wireless
9 911 call emanating from Clarendon Hill or
10 Willowbrook to be first routed to the DuPage sheriff
11 and then transferred to Southwest Central for
12 dispatching, is there?

13 A. That's correct. There's no technological
14 reason why.

15 Q. Now at approximately 2004 a tariff was
16 imposed by the Illinois Commerce Commission
17 associated with wireless, is that correct?

18 A. SBC filed a tariff with the Illinois
19 Commerce Commission for wireless 911 service, that's
20 correct.

21 Q. And, to your knowledge, as you sit there,
22 has the Southwest Central 911 Emergency System Board

1 been paying the tariff associated with Clarendon
2 Hills and Willowbrook?

3 A. They have.

4 Q. Has DuPage also been paying that tariff?

5 A. Yes, they have.

6 Q. Can you explain how that came to be?

7 A. We initiated -- when we filed the tariff, we
8 initiated a letter on a proactive basis to emergency
9 telephone system boards across the state to explain
10 what the tariff was about, to explain that it was a
11 population-based tariff, to suggest a population
12 number and provide a sample or example of what a
13 billing would be of both Phase I and Phase II
14 wireless 911 service, and to provide a letter to
15 each ETSB requesting that they provide a population
16 figure, that they did agree with the figure that we
17 were pulling from the 2000 census in place by
18 signing the letter as a positive request for
19 wireless 911 service from SBC. That, in turn, would
20 authorize us to implement the service and initiate
21 billing.

22 Q. Now the tariff you said is population-based?

1 A. That's correct.

2 Q. When you say "population-based," that
3 involve the consideration of who the particular ETSB
4 dispatch is for?

5 A. Yes, it does.

6 Q. So when you talk about population, you are
7 talking about the ESTB population that for which
8 that entity receives dispatch calls?

9 A. Wire line calls, yes.

10 Q. Wire line or wireless?

11 A. Wire line actually.

12 Q. So that --

13 A. At that point we didn't know how many in
14 that population actually had wireless telephones.

15 Q. Okay. So when you are discussing the
16 tariff, you first look to the Emergency Telephone
17 System Board that has responsibility to receive and
18 dispatch the wire line calls for that particular
19 geographical area and its population?

20 A. Yes.

21 Q. And in this particular case, when we're
22 talking about Clarendon Hills and Willowbrook, you

1 agree that Southwest Central 911 Emergency Telephone
2 System Board receives and dispatches all wire line
3 911 calls for that geographical area and, therefore,
4 for that population?

5 A. We do agree.

6 Q. Is that correct?

7 A. That is correct.

8 Q. Therefore, Southwest would be the proper
9 entity to pay the tariff?

10 A. Southwest would pay the tariff based on the
11 population of the area that it served which would
12 include those two communities.

13 Q. Willowbrook and Clarendon --

14 A. Willowbrook and Clarendon Hills.

15 MR. NEVILLE: May I have just one moment, Judge?

16 JUDGE HILLIARD: Sure.

17 (A brief pause.)

18 MR. NEVILLE: That's all I have at the moment.
19 Thank you.

20 MR. HARVEY: If I might, Counsel, do you propose
21 to offer these two exhibits into evidence --

22 MR. NEVILLE: I do.

1 Q. I think earlier in your testimony you
2 testified that the MSAG for Willowbrook and
3 Clarendon Hills were not changed to Southwest
4 Central until 1999.

5 A. That was a misstatement. It was 1993.

6 Q. They were changed in 1993?

7 A. They were changed in 1993. Again, they were
8 changed as a result of this agreement.

9 Q. Okay. And you are aware of the fact that
10 that agreement contains within it a termination
11 clause on Page 6, Paragraph 10, that within 60 days
12 either party can unilaterally terminate. Are you
13 aware of that?

14 A. I wasn't aware of that.

15 Q. Do you see that?

16 A. I do see it now.

17 Q. And just directing your attention to Page 4,
18 Paragraph 2, of Exhibit No. 1, about three-quarters
19 of the way down there, it's the second to the last
20 sentence, indicates it's the intent of the parties
21 here that the Village of Willowbrook and Clarendon
22 Hills shall not be members of Southwest Central

1 system. Do you see that?

2 A. Yes, I see that.

3 Q. That was a part of the agreement that you
4 were provided that prompted the change of those ESNs
5 to Southwest Central?

6 A. Yes.

7 Q. I think you testified that they were moved
8 back in July or June -- actually it's --

9 A. I think it was June of 2005.

10 Q. -- 2005?

11 And they were moved back to DuPage ETSB.
12 That's where they are as we sit here?

13 A. That's where they reside today and they are
14 in the DuPage County Master Street Address Guide.

15 Q. And you indicated one of the reasons it was
16 moved back was because the communities of
17 Willowbrook and Clarendon Hills were within the
18 boundaries of the ETSB system based on a referendum
19 that passed for 911 land line?

20 A. Correct, for DuPage County. That was the
21 reason we were given.

22 Q. To your knowledge, has Willowbrook or

1 Clarendon Hills ever had any separate referendum for
2 a surcharge for 911 services whether land line or
3 wireless?

4 A. Not to my knowledge.

5 Q. And do you -- Southwest Central wasn't
6 required to agree to the switch that occurred in
7 July of 2005, were they? They were just required to
8 be notified under Administrative Code Section 80
9 (sic), 725.400?

10 MS. HERTEL: I'm going to object to that because
11 I don't think he's necessarily familiar with what
12 section of the code you are referring to.

13 MR. BOND: I'll rephrase the question without
14 reference to the code.

15 MR. BOND: Q. Southwest Central doesn't have to
16 agree to the switch? They just have to be notified;
17 isn't that correct?

18 A. Well, without being familiar with the code,
19 it would be difficult to answer your question. I
20 would have to actually reference that particular
21 section.

22 Q. Do you believe that Southwest Central in

1 someways has to agree --

2 A. Yes, I do.

3 Q. -- opposed to just being notified?

4 A. As opposed to just being notified.

5 Q. Do you know whether there was any
6 communication to DuPage County in 1993 when the
7 MSAGs and ESNs at issue were transferred to
8 Southwest Central or were they notified? Were they
9 notified?

10 MR. NEVILLE: I object. I'm sorry. It's
11 probably my fault. I didn't understand.

12 MR. BOND: Q. Let me rephrase the question. Do
13 you know whether or not DuPage County was notified
14 in 1993 when the MSAG and ESNs to Willowbrook and
15 Clarendon Hills were changed to Southwest Central?

16 A. No, I do not. That was two years before I
17 became into the Level 1 organization.

18 Q. So you don't know whether there was any
19 agreement by DuPage ETSB for that change?

20 A. No, I do not.

21 Q. Generally each 911 system has only one
22 overall database and selective routing; is that

1 correct?

2 A. They have one database; that's correct.

3 Q. And from time to time as properties annexed
4 or developed, those new properties are put into a
5 new -- they're put into the database and assigned an
6 ESN?

7 A. Yes, a new master street address or existing
8 master street address guide is modified to add the
9 areas that are encompassed by the annexation and a
10 new ESN one assigned.

11 Q. To your knowledge, has Clarendon Hills or
12 Willowbrook ever provided directly to SBC or to one
13 of their contractors any information with respect to
14 new development or new numbers to be added to that
15 ESN since 1993?

16 A. Not to my knowledge.

17 Q. To your knowledge, has DuPage County ever
18 provided information regarding annexation in
19 Willowbrook and Clarendon Hills to be added to a new
20 ESN assigned?

21 A. Not to my knowledge, no.

22 Q. Who at SBC would it go to or would it make

1 its way to you? Is that something you would know
2 now or ever?

3 A. No, that wouldn't come to my attention. It
4 would go to our state database manager if, in fact,
5 an annexation occurred.

6 MR. NEVILLE: Could I just have the last question
7 read back. I didn't hear that question.

8 (Question read by
9 reporter.)

10 MR. BOND: Q. Do you know if Vidas Germonas, as
11 the designated agent for the DuPage ETSB, as their
12 MSAG agent?

13 A. I know him to be their MSAG coordinator,
14 yes.

15 MR. HARVEY: If I might interject, it might be a
16 good idea to spell Germanos to the players.

17 MR. BOND: It's spelled G-e-r-m-a-n-o-s. First
18 name is Vidas, V-i-d-a-s.

19 MR. BOND: Q. And as the designated agent for
20 the DuPage ETSB, he would process the authority to
21 manage DuPage, then DuPage's MSAG and request
22 amendment or alterations at MSAG ESNs?

1 A. He would.

2 Q. And you are aware that in June of 2005 a
3 request was made by Mr. Germonas to SBC for a copy
4 of the DuPage ETSB and MSAG?

5 A. Yes.

6 Q. Do you know that was in connection with the
7 matter that's currently pending?

8 A. I did not know that was the reason for his
9 request. Nine one one systems are entitled to a
10 copy of their Master Street Address Guide so we
11 receive hundreds of requests.

12 Q. Were you aware of the fact that upon receipt
13 of the MSAG Mr. Germonas discovered that the ETSB
14 MSAG did not include Willowbrook and Clarendon Hill
15 ESNs? Do you know why?

16 A. I'm going to ask you to repeat the
17 question.

18 Q. Do you know that -- did you know that
19 Mr. Germonas' company discovered that the DuPage
20 ETSB MSAG did not include Clarendon Hills and
21 Willowbrook ESNs?

22 MR. NEVILLE: I'll just object to the question

1 for lack of foundation.

2 MR. BOND: I'm not done with the question.

3 MR. BOND: Q. Were you made aware of that?

4 A. I was made aware of it, yes.

5 JUDGE HILLIARD: Overruled.

6 MR. BOND: Q. And then a request was made in
7 June of 2005 by Mr. Germonas that ESNs for
8 Willowbrook -- for Clarendon Hills 230 and the ESNs
9 for Willowbrook 344 and 345 be transferred to the
10 DuPage ETSB; is that correct?

11 A. That's correct.

12 Q. And Leslie Chatmon, C-h-a-t-m-o-n, is the
13 Illinois database coordinator for SBC?

14 A. Yes.

15 Q. And are you aware that on July 7th -- on
16 July 7, 2005, presumably prompted by Mr. Germanos'
17 request, that she inquired internally as to the ESNs
18 assigned for Willowbrook and Clarendon Hills?

19 A. Yes, I'm aware of that.

20 Q. And Bob Miller is the operations manager at
21 SBC for the DuPage ETSB; is that correct?

22 A. He's the 911 operations manager; that is

1 correct.

2 Q. And were you aware of the fact that
3 Mr. Miller was consulted with respect to these ESNs
4 230, 244, and 345?

5 A. Yes, I'm aware of that.

6 Q. And were you aware of the fact that
7 Mr. Miller approved the transfer of those ESNs from
8 Southwest Central to the DuPage MSAG?

9 A. I'm aware of that.

10 Q. And I think you testified you don't know
11 whether -- you believe that Southwest Central was
12 notified of that?

13 A. Again, based on the E-mails that were sent
14 back and forth between our state database manager
15 Mr. Shanley, he was notified of the change.

16 Q. Okay. And the transferring of those ESNs to
17 DuPage ETSB that doesn't affect the call routing,
18 does it?

19 A. I believe it does.

20 Q. How so?

21 A. Calls that would normally have been directly
22 routed over 911 trunks from one of our 911 selective

1 routers or tandems for an end user in Willowbrook or
2 Clarendon Hills normally would have gone to
3 Southwest Central would now go to one of DuPage
4 County's 911 centers first. At that point, that 911
5 server might serve to transfer that call to
6 Southwest Central since they might be geographically
7 closer to the community in question.

8 Q. Were you aware that Leslie Chatmon was of
9 the opinion that the transfer of the ESNs to the
10 DuPage County ETSB from Southwest Central ETSB would
11 not affect current routes as it exists today between
12 DuPage and Southwest Central's dispatch?

13 A. I was aware of her statement, yes.

14 Q. You disagree with that?

15 A. Yes.

16 Q. I guess I'm not sure I understand the
17 distinction as to how that would affect the current
18 routing. If the call comes in and the fact that
19 it's in that MSAG, it's still going through the same
20 mechanics of the system change, haven't they?

21 A. Yes, they have. For all intense and
22 purposes, an end user served within the boundaries

1 of Clarendon Hills or Willowbrook making a 911 call
2 is going to hit the selective router. It's going to
3 be a look-up done into the 911 database and then a
4 determination is going to be made as to which 911
5 center to route that call based on that ESN. Now if
6 those calls were ESNs and had been moved from
7 Southwest Central to DuPage, that follows that the
8 calls would go to DuPage as well.

9 Q. When you say "DuPage as well," I'm not sure
10 I understand what you mean. It's going to be
11 redundant?

12 A. No. No, it's not going to be redundant. I
13 believe the call would wind up going to one of the
14 DuPage County 911 centers. I'm not certain which
15 one.

16 MR. BOND: If I could have just a minute.

17 (A brief pause.)

18 MR. BOND: Q. I think you had testified earlier
19 that the ESN designates the appropriate agency, and
20 appropriate fire agency, and medical services, and
21 so forth, for a particular geographical area or
22 territory.

1 A. That is correct.

2 Q. Those don't change by virtue of a change in

3 the ESNs, do they?

4 A. No, not typically. They could change, but

5 it's unlikely that they would.

6 Q. And in this instance do you know if 230,

7 344, and 345 whether those agencies -- whether

8 there's been any change or alteration to those

9 agencies?

10 A. No, they shouldn't be.

11 Q. And those agencies still fall within the

12 Southwest Central system to your knowledge?

13 A. To my knowledge.

14 Q. You had testified that you believed the

15 technology existed to pinpoint a wireless location

16 of a wireless call?

17 A. That technology does exist.

18 Q. That --

19 A. The location of caller.

20 Q. Caller? I'm sorry.

21 A. Yes.

22 Q. The technology though doesn't exist to

1 differentiate the political jurisdictional lines,
2 does it? It can tell you that somebody on Route 83
3 but they can't tell you if they're east side of 83
4 or west side of where the boundaries?

5 A. They could pretty well tell you within a
6 couple of thousand feet where they are of the
7 boundaries, but if you are asking if there's a
8 technology available that determines that call is
9 within Southwest Central's area versus DuPage's --

10 Q. Yes.

11 A. -- it kind of depends.

12 The 911 system can set up that type of
13 technology themselves, but a determination has to be
14 made by the 911 system and the wireless carrier
15 involved as to which one of them is going to receive
16 the call based on certain geographical areas.

17 Basically they take a map and carve up a
18 geographical area and determine that calls from this
19 area are going to go to this area.

20 Q. But you say the technology doesn't exist to
21 pinpoint those calls because you don't have the
22 political municipal boundary showing up within that

1 technology?

2 A. Not today, no.

3 Q. Sometime in the future it may, but, as we
4 sit here today, that technology doesn't exist to be
5 able to pinpoint it in one political boundary versus
6 another?

7 A. Versus another.

8 Q. It does put it in a particular area but
9 within that --

10 A. Geographic, yes; but political boundary, no.

11 JUDGE HILLIARD: Well, the machine may not know
12 what town it's in but the machine knows where it's
13 at on the map --

14 THE WITNESS: Yes.

15 JUDGE HILLIARD: -- and the routing may be done
16 by town?

17 THE WITNESS: Correct.

18 JUDGE HILLIARD: Okay.

19 MR. BOND: Q. Does selective routings for
20 wireless phone service exist today?

21 A. Yes, it does.

22 Q. You indicated that in 2000, I believe it's

1 June, 2004, that the SBC wireless tariff became
2 effective.

3 A. Yes.

4 Q. That tariff is based on the population area
5 for a 911 system?

6 A. Yes.

7 Q. And there was a request for population
8 figures that went out to each of those 911 systems?

9 A. That's correct.

10 Q. And they returned -- that information was
11 based on U.S. Census data -- national Census Bureau
12 data?

13 A. Well, our initial estimate that we provided
14 in our letter was based on U.S. Census data. The
15 responses that we received back from each ETSB may
16 have been based on that or based on some other
17 figure.

18 Q. So hopefully it was a little more refined?

19 A. In many cases it was.

20 Q. And the population figures that were
21 provided -- those population figures that were
22 provided to you from the various 911 systems served

1 as a basis for the billing of the tariff to those
2 systems?

3 A. That's correct.

4 Q. And the various 911 boards and systems that
5 existed they were billed directly by SBC for the
6 tariff?

7 A. Yes, they were.

8 Q. And, to your knowledge, has DuPage County
9 ETSB paid all the tariffs that were due SBC to date?

10 A. They have paid all the tariff charges that
11 are due.

12 Q. And are you aware of the fact that DuPage
13 population estimate upon which the tariff was
14 premised included the Willowbrook and Clarendon
15 Hills in their population calculation?

16 A. I became aware of it.

17 Q. When did you become?

18 A. I became aware of that earlier this year
19 when this proceeding started to involve SBC a little
20 bit more than it had at that point.

21 MR. BOND: If I could have just a minute, Judge.

22 (A brief pause.)

1 MR. BOND: Q. There had -- prior to the 2004
2 tariff, there was an interim tariff imposed; is that
3 correct?

4 A. That's correct.

5 Q. And DuPage ETSB paid that interim tariff for
6 all the tariff charges that were billed to it?

7 A. Yes, they did, and, again, that was an
8 interim wireless 911 service tariff, that's correct.

9 Q. And, to your knowledge, Southwest Central
10 didn't pay anything on the interim tariff, did they?

11 A. I'm afraid I have to research that a little
12 bit to determine if, in fact, they were obtaining
13 wireless service prior to the implementation of the
14 newer tariff of 2004.

15 Q. And, as we sit here today, the ESN 230, 344,
16 and 345 is currently in the DuPage ETSB MSAG; is
17 that correct?

18 A. That's correct.

19 MR. BOND: I have nothing further.

20 MR. NEVILLE: I have nothing further.

21 JUDGE HILLIARD: Mr. Harvey?

22 MR. HARVEY: I'm just trying to get a handle on

1 the order. I'm not sure there's -- I guess
2 redirect.

3 JUDGE HILLIARD: Do you want to ask him questions
4 now or you want to wait?

5 MS. HERTEL: I guess I'll wait until everybody's
6 done. I just want to have a moment with
7 Mr. Valentine to see if there's anything that opens
8 up another round, but I don't think there's a
9 likelihood.

10 JUDGE HILLIARD: I think that's probably more
11 efficient than doing it one at a time. Go ahead.

12 MR. NEVILLE: Thank you.

13 CROSS EXAMINATION

14 BY

15 MR. NEVILLE:

16 Q. You testified for Mr. Bond, Mr. Valentine,
17 that you were aware of -- certain things that were
18 said about Ms. Chatmon; do you recall that?

19 A. Yes, I do.

20 Q. Then you made some reference to E-mails. Do
21 you recall that?

22 A. Yes, I did.

1 Q. I would like to show you that E-mail if I
2 may. I caused this to be marked Valentine Exhibit
3 3. This is a copy for the Court.
4 JUDGE HILLIARD: Thank you. You have a copy.
5 MR. BOND: Which one?
6 MR. NEVILLE: The whole thing.
7 JUDGE HILLIARD: Let the record show that
8 Valentine 3 consist of seven pages of paper which
9 appear to be copies of E-mails.
10 MR. NEVILLE: Thank you.
11 MR. NEVILLE: Q. Do you recognize Exhibit 3?
12 A. Yes, I do.
13 Q. And what is it?
14 A. It is a series of E-mail messages that went
15 back between SBC personnel, personnel at Intrado to
16 our database service vendor and members of the
17 DuPage County ETSB.
18 Q. And these are the E-mails to which you were
19 referring during Mr. Bond's --
20 A. Yes, and there's also an E-mail in here
21 between SBC personnel and Mr. Shanley from
22 Southwest.

1 Q. What's the date of that E-mail?

2 A. That one's dated -- well, the initial one is

3 dated Thursday, July 7th.

4 Q. And July 7, 2005?

5 A. That's correct.

6 Q. And that is after the date that the ESNs

7 were transferred from Southwest MSAG to DuPage MSAG?

8 JUDGE HILLIARD: Which?

9 MR. NEVILLE: The last page.

10 JUDGE HILLIARD: Page --

11 MR. BOND: Just for the record, I have got

12 several pages of E-mails, maybe number those

13 pages --

14 MR. NEVILLE: You want to just number those

15 pages?

16 JUDGE HILLIARD: Yes.

17 MR. BOND: -- so we know which one you are

18 referring to.

19 JUDGE HILLIARD: Make it Page 6.

20 MR. HARVEY: These are to be numbered

21 consecutively.

22 MR. NEVILLE: The exhibit I have, Judge, which I

1 have shown the witness, is seven pages.

2 JUDGE HILLIARD: Right. The E-mail you are
3 referring to is on the sixth page?

4 MR. NEVILLE: It is, Judge.

5 MR. HARVEY: I'm going to make more copies of
6 this.

7 MS. HERTEL: Would you make one for us.

8 MR. HARVEY: I was going to.

9 MS. HERTEL: Thank you.

10 (Document tendered.)

11 MR. NEVILLE: Are you ready?

12 JUDGE HILLIARD: I'm going to get a stamp here.

13 MR. NEVILLE: May I continue, Judge?

14 JUDGE HILLIARD: Yes.

15 MR. NEVILLE: Q. During your testimony from
16 Mr. Bond's questions, you indicated that DuPage, via
17 these E-mails, offered you certain reasons why the
18 MSAG should be transferred -- pardon me -- the ESN
19 should be transferred.

20 A. They offered several reasons to my staff,
21 yes.

22 Q. I mean, you didn't necessarily agree with

1 those reasons. You're just saying those were the
2 reasons?

3 A. Those were the reasons that were provided.

4 Q. And you didn't necessarily agree with those?

5 A. I wasn't aware of any of this activity at
6 the time, so my agreement or disagreement --

7 Q. You testified --

8 A. -- wouldn't be an issue.

9 Q. I'm sorry. Did you finish your question?

10 A. I said my agreement or disagreement wouldn't
11 be an issue because I wasn't aware at the time what
12 was occurring.

13 Q. But the fact still remains that Southwest
14 Central should have been notified and allowed to
15 participate in the discussion regarding changing the
16 ESN numbers from one MSAG to another?

17 A. Yes.

18 Q. And that was not done?

19 A. Correct.

20 Q. So the fact that Mr. Miller approved it or
21 the fact that Ms. Chatmon was involved and took
22 direction from Mr. Miller doesn't change the fact

1 that Southwest should have been notified and allowed
2 to participate in the discussion?

3 A. Prior to the change, yes.

4 Q. Now if I were to tell you that Southwest
5 Central dispatch is, in fact, directly receiving and
6 dispatching for wire line calls from Clarendon Hills
7 and Willowbrook, would that surprise you?

8 A. Yes, it would actually.

9 Q. Is it possible that the ESN was changed and
10 nothing else was done?

11 A. That's a possibility. Again, I have to do a
12 little research.

13 Q. If Southwest Central dispatch is, in fact,
14 receiving dispatching, all the wire line calls from
15 Clarendon Hills and Willowbrook, the ESN numbers
16 should be in its MSAG; is that correct?

17 A. Yes.

18 Q. To your knowledge, has Southwest paid all
19 tariffs that they have been requested to pay?

20 A. Yes, they have.

21 Q. And, again, the tariff that we are talking
22 about, the SBC tariff, or latest tariff that was

1 enacted or approved in 2004 by the ICC deals with
2 population?

3 A. That is a wire line 911 tariff that was
4 population-based.

5 Q. And if the population that is to be included
6 in a particular ETSB tariff is the population for
7 which it is receiving and dispatching wire line 911
8 calls?

9 A. Correct.

10 Q. And the fact that Mr. Germonas is the MSAG
11 coordinator for DuPage does not change the fact that
12 Southwest Central dispatch should have been notified
13 of the requested change and allowed to participate
14 in the discussion regarding the change; isn't that
15 correct?

16 A. That is correct. Again, we are dealing with
17 a gray area here because of the fact there was an
18 intergovernmental agreement between these two
19 entities.

20 Q. Let me show you the intergovernmental
21 agreement we marked as Exhibit 2. Do you have that?

22 JUDGE HILLIARD: I think it's Exhibit 1.

1 MR. NEVILLE: Q. Exhibit 1. I direct your
2 attention to Page 5 in Paragraph 5, and this is the
3 agreement to your knowledge that's enforced today?

4 A. Correct.

5 Q. And doesn't Paragraph 5 state that Southwest
6 Central 911 system shall be responsible for the
7 maintenance of the Master Street Address Guide for
8 the Village of Willowbrook and Village of Clarendon
9 Hills?

10 A. It does so state.

11 Q. And that would mean what it says, would it
12 not?

13 A. Yes.

14 MR. NEVILLE: Nothing further from us, Judge.

15 JUDGE HILLIARD: Who wants to be next?

16 MR. BOND: I have a couple of follow-up questions
17 on that.

18 CROSS EXAMINATION

19 BY

20 MR. BOND:

21 Q. The maintenance of the 911 system is
22 different, is it not, than the ownership of the 911

1 or the MSAG?

2 A. I'm not -- I really don't understand your
3 question.

4 Q. You just testified as to Paragraph 5 of an
5 intergovernmental agreement with respect to the
6 maintenance of the MSAG.

7 A. Okay.

8 Q. The maintenance of an MSAG is different than
9 the ownership of that MSAG, is it not?

10 A. No. The maintenance of the Master Street
11 Address Guide is directly related to its
12 administration, its expansion, its contraction if,
13 in fact, areas are de-annexed, so I see them as
14 being the same thing.

15 Q. When wire line calls originated in Clarendon
16 Hills and Willowbrook, those are directly received
17 by Southwest Central, is that correct, wire line
18 calls?

19 A. Wire line calls were directly received by
20 Southwest Central. Based on the fact that ESNs were
21 moved, I would have to double check, but I believe
22 that those calls would route to a DuPage County ETSB

1 PSAP first and then be transferred to Southwest
2 Central.

3 Q. All wireless calls, however, originating
4 from the Clarendon Hills and Willowbrook
5 geographical territory are directly received by the
6 DuPage County sheriff department, are they not --

7 A. That is correct.

8 Q. -- and then thereafter calls transferred to
9 Southwest Central?

10 A. If, in fact, they're within the community of
11 Clarendon Hills and Willowbrook, yes.

12 Q. So those are the -- if you look at I believe
13 it was Exhibit 2 was your open letter --

14 A. Yes.

15 Q. -- when you make reference in the third
16 paragraph of that letter that the system that will
17 receive the call for wireless purposes the system
18 receiving wire line calls in the geographic area of
19 Clarendon Hills and Willowbrook is DuPage County, is
20 it not?

21 A. I'm sorry. You have to repeat your
22 question.

1 Q. Yes, sir. Let me direct you to
2 Paragraph 3 --
3 JUDGE HILLIARD: Of?
4 MR. BOND: Q -- of Exhibit No. 2 provides that
5 routing no one or companies make routing or MSAG
6 changes without consent of the E911 system that will
7 receive the call?
8 A. Yes.
9 Q. And the E911 system that receives the
10 wireless calls originating in Clarendon Hills and
11 Willowbrook is the DuPage County sheriff's office;
12 is that correct?
13 A. That is correct.
14 MR. BOND: I have nothing further.
15 MR. NEVILLE: Nothing further, Judge.
16 JUDGE HILLIARD: Mr. Harvey?
17 MR. HARVEY: Nothing further.
18 JUDGE HILLIARD: You want to take a minute?
19 MR. HARVEY: I will defer.
20 MS. HERTEL: If we can just step out.
21 JUDGE HILLIARD: Absolutely.
22 Mr. Neville, do you have a motion?

1 MR. NEVILLE: If I could have a minute to speak
2 to Mr. Bond, I think we should be able to get these
3 out of the way and go from there.

4 Thank you, Mr. Valentine.

5 JUDGE HILLIARD: We'll return on the record then.

6 MR. NEVILLE: Your Honor, Ron Neville on behalf
7 of Southwest Central 911. I spoke to Mr. Bond and
8 there are some stipulations we can enter into which
9 focus primarily around the zip code under dispute
10 and the amount or the percentage of each ETSB is
11 seeking, so, if I may, the stipulation would be by
12 and between the parties, Southwest Central 911
13 System and -- Emergency Telephone System Board and
14 the DuPage Emergency Telephone System Board and I
15 assume.

16 MR. HARVEY: Staff is not a party to it but has
17 no objection.

18 MR. NEVILLE: By and through their respective
19 attorneys, Mr. Bond and myself, that the following
20 stipulation should be entered of record and received
21 into evidence.

22 The parties to this action cannot agree

1 to the division of surcharge of funds currently
2 deposited in the wireless services emergency fund
3 50 ILCS 751/25 pertaining to Zip Codes 60514 and
4 60527.

5 Both Southwest Central 911 Emergency
6 Telephone System Board and DuPage Emergency
7 Telephone System Board seek a resolution of dispute
8 in accordance with 50 ILCS 751/25 and as amended by
9 Public Act 93-839 pursuant to which resolution of
10 disputes arising under WETSA (sic) 50 ILCS 751-1,
11 et seq, become the responsibility of Illinois
12 Commerce Commission.

13 Zip Code 60527 is comprised of
14 unincorporated DuPage in the amount of 30 percent,
15 the Village of Willowbrook in the amount of 39
16 percent, and the Village of Burr Ridge in the amount
17 of 31 percent.

18 The parties agree that there is no
19 dispute to the wireless surcharge funds pertaining
20 to Burr Ridge. The 31 percent of wireless funds
21 that are being held by the funds and that are due
22 Burr Ridge I believe the parties would agree can be

1 released and can be paid to the Southwest Central
2 911 system.

3 JUDGE HILLIARD: Who's going to release them?

4 MR. NEVILLE: Well, I'm just saying in terms -- I
5 just want the court to be aware there's no claim.

6 JUDGE HILLIARD: Okay.

7 MR. NEVILLE: The parties agree that whatever
8 mechanism is necessary for that to happen can be
9 done in the future, but there's no claim in this
10 particular hearing as against the Burr Ridge
11 wireless surcharge funds.

12 Zip Code 60514 is comprised of
13 unincorporated DuPage County 15 percent, and the
14 Village of Clarendon Hills in the amount of 85
15 percent. As to Zip Code 60514 DuPage Emergency
16 Telephone System Board maintains it should receive a
17 hundred percent of the surcharge funds.

18 DuPage -- pardon me -- Southwest Central
19 911 claims it should receive 5 percent of those
20 wireless surcharge funds.

21 As to Zip Code 60527, DuPage claims it is
22 entitled to 69 percent of the wireless surcharge

1 funds which would include everything, except Burr
2 Ridge, and Southwest Central 911 system claims it is
3 entitled to 70 percent of the funds collected from
4 Zip Code 60527.

5 JUDGE HILLIARD: 70.

6 MR. NEVILLE: Seventy percent, 70.

7 JUDGE HILLIARD: Okay.

8 MR. NEVILLE: Did I say that?

9 JUDGE HILLIARD: Burr Ridge is 31 percent. How
10 did you get to 70 percent?

11 MR. NEVILLE: Did I read the zip code
12 incorrectly, so instead of, it should be 70, then
13 I'll withdraw the 70 percent and say we're entitled
14 to 39 percent of 60527.

15 JUDGE HILLIARD: And DuPage is entitled to the
16 remaining --

17 MR. NEVILLE: Yes.

18 JUDGE HILLIARD: -- 30 percent under your view --
19 your client's view --

20 MR. NEVILLE: That's correct.

21 JUDGE HILLIARD: Is that it?

22 MR. NEVILLE: So stipulated.

1 MR. BOND: Yes.

2 MR. NEVILLE: Do you agree to that stipulation?

3 MR. BOND: I do.

4 MR. NEVILLE: Judge, Mr. Bond and I have spoken

5 and due to our respective schedules, we would like

6 to recommend to the Court to continue this hearing

7 to the dates of February 7th and February 8, 2006

8 and have a status telephone call on January 5th at

9 11 o'clock to notify the Court on January 5th if the

10 witnesses each of us are going to call are available

11 on the 7th or the 8th.

12 JUDGE HILLIARD: It's okay with me. Is that

13 already with you, Mr. Harvey?

14 MR. HARVEY: That is fine with me, your Honor.

15 JUDGE HILLIARD: All right. Then we'll continue

16 this for further status to January 5th at 11 at

17 which time the parties may arrange to do this by

18 telephone rather than appearing personally, and

19 further hearing of this matter will be tentatively

20 rescheduled for February 7th and 8th.

21 MR. NEVILLE: What time would you like to begin?

22 JUDGE HILLIARD: Let's shoot for 10 o'clock.

1 MR. NEVILLE: Thank you, Judge.

2 MR. BOND: Thank you, Judge.

3 MR. HARVEY: Nothing further from staff, your
4 Honor.

5 MR. BOND: Thank you.

6 (Whereupon, the above
7 matter was adjourned,
8 to be continued for
9 status at January 5,
10 2006 at 11 a.m., and
11 hearing on.
12 February 7, 2006 at
13 10 o'clock a.m.)

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